

REMARKS

1. Summary of the Office Action

In the office action dated May 21, 2009, the Examiner objected to claims 18-23, 25, and 27 based on informalities. Further, the Examiner provisionally rejected claims 18-24 based on nonstatutory obviousness-type double patenting as being unpatentable over copending Application No. 11944284. Even further, the Examiner objected to claims 25-28 as being dependent upon a rejected base claim.

In this response, Applicant has amended objected to claims 18-21, 25, and 27 and submits a terminal disclaimer, in order to expedite allowance of the application. Now pending are claims 18-28, of which claim 18 is independent and the remainder are dependent.

2. Claim Amendments and Terminal Disclaimer

Claims 18-20, 25, and 27

Applicant has amended claims 18-20, 25, and 27 in accordance with the Examiner's requests, in order to expedite allowance; namely, replacing all instances of "tilt" with mobile phone tilt and replacing all instances of "tilt state" with tilt state of the mobile phone. Applicant's claim amendments are made without prejudice to pursue any non-allowed subject matter in one or more continuing applications.

Claims 21-23

Applicant has amended objected to claim 21 to replace the first recitation of "tilt" with mobile phone tilt, however, Applicant did not replace the recitation of "tilt sensor" with mobile phone tilt sensor, primarily because the phrase "mobile phone tilt sensor" is not used in the specification and could cause confusion. Instead, Applicant has added language, namely, "wherein the tilt sensor is part of the mobile phone." Applicant submits that this addition adheres to the Examiner's requests without reciting anything beyond the specification. If this amendment does not accomplish what the Examiner intended then Applicant requests that the Examiner call the undersigned representative at 312-913-0001. Applicant's claim amendments are made without prejudice to pursue any non-allowed subject matter in one or more continuing applications.

Applicant submits that dependent claims 22-23 are allowable for at least the reason that they each depend from allowable claim 21.

Claims 25-28

Applicant submits that dependent claims 25-28 are allowable as well for at least the reason that they each ultimately depend from the allowable independent claim 18.

Terminal Disclaimer

Applicant has timely filed a terminal disclaimer to overcome the provisional rejection of claims 18-24 based on the ground of nonstatutory obviousness-type double patenting with respect to copending Application No. 11944284.

3. Supplemental Information Disclosure Statement Filed May 12, 2009

Applicant requests that the Examiner consider references cited in the supplemental information disclosure statement filed by the Applicant May 12, 2009. Applicant believes that the Examiner did not have a chance to review these references as they were filed shortly before the Examiner mailed the office action dated May 21, 2009.

CONCLUSION

For at least the reasons set forth above, Applicant submits that the pending claims (claims 18-28) are in condition for allowance and respectfully requests the Examiner to pass this application to issue. Applicant does not acquiesce in any assertion by the Examiner that is not expressly addressed in this response. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned representative at 312-913-0001.

Respectfully submitted,

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